

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, MAY 21, 2008 - 1:30 P.M.

ZONING ADMINISTRATOR: Jason Kelley, Acting Zoning Administrator

STAFF MEMBER: Tess Nguyen, Jill Arabe, Rami Talleh, Judy Demers
(recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2008-009 (METRO Q RESTAURANT)

APPLICANT: Scott Forst and Ida Valez, 2398 Willowbrook #16, Anaheim, CA 92802
PROPERTY OWNER: Phoung Pham, 1738 44th Avenue, San Francisco, CA, 94122
REQUEST: To permit the establishment of a 4,995 sq. ft. restaurant with onsite sale and consumption of alcoholic beverages.
LOCATION: 19092 Beach Blvd., Suite JKLM, 92648 (east side of Beach Blvd., south of Garfield Avenue)
PROJECT PLANNER: Tess Nguyen

Tess Nguyen, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Ms. Nguyen reported that one letter requesting that alcohol sales cease at midnight was received. Three phone calls were also received from surrounding neighbors. The neighbors were concerned with the increase of noise in the area.

Ms. Nguyen stated that the Police Department reviewed the application and made recommendations to the conditions of approval regarding hours of operation and suggested there be no outdoor dining allowed.

THE PUBLIC HEARING WAS OPENED.

Robert Fedor, representing the applicant, stated that the applicant is willing to comply with all of the conditions recommended by Staff and the Police Department.

Joe Carchio, 19115 Beach Crest Lane, stated that he disagrees with staff's recommendations. As the restaurant will be allowed to have two pool tables, Mr. Carchio believes that Metro Q is in reality a sports bar. He voiced his concern that allowing a sports bar would result in an increase in noise, debris, and possibly criminal activity. Mr. Carchio referred to a letter written to the Alcoholic Beverage Control (ABC) by Huntington Beach Police Department which identified more stringent conditions than that presented by Staff.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Jason Kelley, Acting Zoning Administrator, indicated that he was going to approve the project with a condition that if ABC imposes conditions on the alcohol license that are more restrictive than those imposed by this approval, they will be adhered to.

CONDITIONAL USE PERMIT NO. 2008-009 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project consists of minor alterations to a commercial suite within an existing shopping center.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-009:

1. Conditional Use Permit No. 2008-009 for the establishment of a 4,995 sq. ft. restaurant with onsite sale and consumption of alcoholic beverages within an existing commercial development will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed restaurant with alcohol sales will not generate additional noise, traffic, or other impacts detrimental to surrounding property and inconsistent with the subject property's commercial zoning. The site provides the necessary parking to accommodate the proposed restaurant. The sales and consumption of alcoholic beverages are proposed inside the restaurant only. The main entrance of the restaurant is oriented towards Beach Boulevard, away from residential units.
2. The conditional use permit will be compatible with surrounding uses because it is a commercial use located in an existing commercial development with other commercial uses with similar characteristics.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it would be located. The restaurant with alcohol sales will be located within an existing

commercial center, which conforms to land use and on-site parking requirements applicable to the General Commercial (CG) zoning designation.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial General on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - a. LU 10.1.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, and capitalize on Huntington Beach's recreational resources.
 - b. ED 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The requested conditional use permit will accommodate to existing development by allowing the establishment of a restaurant with alcohol sales. The proposed use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. It will be located in an existing shopping center, which includes service related uses.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2008-009:

1. The site plan and floor plan, received and dated March 4, 2008, shall be the conceptually approved design with the proposed outdoor dining area removed.
2. The use shall comply with the following:
 - a. Hours of operation of the restaurant with alcohol service shall be between 9:00 AM and 1:00 AM seven days a week. (PD)
 - b. Regular food service, consisting of the complete dinner menu, shall be available until one hour before the close of business. (PD)
 - c. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning Department. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall

promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

ITEM 2: TENTATIVE PARCEL MAP NO. 2004-135 (GERGEN INDUSTRIAL CONDOMINIUMS)

APPLICANT/
PROPERTY OWNER: Joe Gergen, 221-B Main Street, Huntington Beach, CA 92648
REQUEST: To permit the subdivision of one parcel of land currently developed with two industrial buildings totaling 16,205 sq. ft. for condominium purposes. The subdivision will consist of two industrial condominium units.
LOCATION: 19052 & 19062 Goldenwest Street, 92648 (east side of Goldenwest Street, south of Garfield Avenue
PROJECT PLANNER: Jill Arabe

Jill Arabe, Planning Aide, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Ms. Arabe reported that one inquiry was made requesting general information of the proposal. She stated that she did not receive any comments in opposition of the project.

THE PUBLIC HEARING WAS OPENED.

Joe Gergen, applicant, stated that he will comply with the conditions set forth by staff and made himself available to answer any questions.

Janet Cummiass, 19194 Chandon Lane, inquired as to the scope of the project.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Jason Kelley, Acting Zoning Administrator, indicated that he was going to approve the request with the conditions recommended by staff.

TENTATIVE PARCEL MAP NO. 2004-135 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project involves the subdivision of two industrial buildings into common-interest ownership with no physical changes to the building.

FINDINGS FOR APPROVAL - TENTATIVE PARCEL MAP NO. 2004-135

1. Tentative Parcel Map No. 2004-135 for the subdivision of one parcel currently developed with two buildings totaling 16,205 sq. ft. for condominium purposes is consistent with the General Plan Land Use Element designation of Industrial (I) on the subject property, and other applicable provisions of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The proposed subdivision will create two condominium units available to new and existing industrial businesses within the City.
2. The site is physically suitable for the type and density of development. The site consists of one parcel of land, which is currently developed with two industrial buildings totaling 16,205 sq. ft. The project involves the subdivision of the existing buildings into two condominium units. No added square footage or expansion of the buildings is proposed in conjunction with the proposed subdivision. Currently, the site complies with floor area ratio, minimum setbacks, maximum building height, and other provisions of the HBZSO.
3. The design of the subdivision will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The subdivision is proposed on a property currently developed with industrial buildings and located in an urbanized area. No new development is proposed. The site does not serve as habitat for fish or wildlife.
4. The design of the subdivision or the type of improvement will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision unless alternative easements, for access or for use, will be provided. No easements, acquired by the public at large for access through or use of the property, exist within the proposed subdivision.

CONDITIONS OF APPROVAL – TENTATIVE PARCEL MAP NO. 2004-135:

1. Tentative Parcel Map No. 2004-135 for the subdivision of one parcel currently developed with two industrial buildings totaling 16,205 sq. ft. for condominium purposes received and dated March 10, 2008, shall be the approved layout with the following modifications:
 - a. The site area and building areas shall be revised to reflect correct square footage.
 - b. The location and width of the reciprocal drive approach and driveway to the adjacent northerly property shall be indicated.
2. Prior to recordation of the final map, the following shall be completed:
 - a. Tentative Parcel Map No. 2004-135 shall be revised to reflect the modifications as indicated in Condition 1.
 - b. The subject property shall provide an irrevocable offer to dedicate a reciprocal drive approach and driveway between the subject site and adjacent northerly property. The location and width of the access way shall be reviewed and approved by the Planning Department and Public Works Department. The subject property owner shall be responsible for making necessary improvements to implement the reciprocal driveway, if needed. The legal instrument shall be submitted to the Planning Department a minimum of 30 days prior to recordation of the final map. The document shall be approved by the Planning Department and the City Attorney

as to form and content and, when approved, shall be recorded in the Office of the County Recorder. A copy of the recorded document shall be filed with the Planning

- c. Department for inclusion in the entitlement file. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach. At such time that the northerly property is developed, staff shall evaluate the need for reciprocal access between the subject site and the northerly property. If the northerly property can be provided with adequate access independent of the subject property, the reciprocal access may not be required.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

ITEM 3: CONDITIONAL USE PERMIT NO. 2007-038 AND VARIANCE NO. 2008-004 (LIBERTY LIQUOR ADDITION)

APPLICANT:	Jim Burnett, 22431 Antonio Parkway, B160-Suite #124, Rancho Santa Margarita. CA 92688
PROPERTY OWNER:	Diane H. Kim, 17701 Beach Blvd., Huntington Beach, CA 92647
REQUEST:	CUP: to permit (a) the construction of a 3,721 sq. ft. addition to an existing multi-tenant commercial building and (b) a parking reduction of two parking spaces for 830 sq. ft. of storage area. VAR: to allow no landscaping along the westerly property line in lieu of the minimum required 3 ft. wide landscaped planter.
LOCATION:	17701 Beach Blvd., 92647 (southwest corner of Beach Blvd., and Liberty Street)
PROJECT PLANNER:	Rami Talleh

Rami Talleh, Senior Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Mr. Talleh reported that he did not receive any comments in opposition or in support of the project.

Jason Kelley, Zoning Administrator, inquired whether the proposed elevations had been incorporated into the conditions set forth by staff.

Mr. Talleh, responded, stating that the elevations were in conformance with the Design Review Boards conditions.

THE PUBLIC HEARING WAS OPENED.

Jim Burnett, applicant, stated that he has no objections to the conditions of approval.

Ed Sapiagio, project architect, further detailed the driveway dimensions and the building height.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED

Jason Kelley, Acting Zoning Administrator, indicated that he was going to approve the request with the conditions recommended by staff.

Mr. Talleh made a suggestion to the Zoning Administrator to include a condition that requires the building height to be between 27 and 33 feet.

Jason Kelley concurred and added this to the conditions of approval.

CONDITIONAL USE PERMIT 2007-038 AND VARIANCE 2008-004 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15302 of the CEQA Guidelines, because the proposed development consists of new construction of a commercial building with less than 10,000 sq. ft. of floor area not involving significant amounts of hazardous materials on a site where public services and facilities are available and the surrounding area is not environmentally sensitive.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2007-038:

1. Conditional Use Permit No. 2007-038 to permit the construction of a 3,721 sq. ft. addition to an existing multi-tenant commercial building and allow a parking reduction of two parking spaces for 830 sq. ft. of storage area will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The subject property is designated for commercial general development under the General Plan. The proposed project is consistent with the permitted uses and development standards within this designation. The site will be sufficiently parked and will not have any significant impacts on adjacent properties.

2. The conditional use permit will be compatible with surrounding uses. The subject site will be developed concurrently with an abutting commercial property to the south. Both properties will share a common driveway with access to Beach Boulevard. The subject building will be oriented at the northeast corner of the subject site thereby complimenting the proposed commercial building to the south.
3. The proposed development will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance with the exception of the parking reduction for storage area. The development complies with the minimum required setbacks and complies with the maximum allowed floor area ratio and building height.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the following goals and policies of the General Plan:

LU10.1.4. Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

LU10.1.12. Require that Commercial uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development including consideration of:

- a. Siting and design of structures to facilitate and encourage pedestrian activity;
- b. Siting of buildings to the street frontage to convey a visual relationship to the street and sidewalks;
- c. Architectural treatment of buildings to minimize visual bulk and mass, using techniques such as the modulation of building volumes and articulation of all elevations.

The proposed development is in substantial compliance with the Urban Design Guidelines. The siting and design of the proposed structure allows for pedestrian connections between sidewalks and the subject site. The proposed architecture provides a prominent entry and incorporates quality materials in its design.

FINDINGS FOR APPROVAL - VARIANCE NO. 2008-004:

1. The granting of Variance No. 04-04 to allow no landscaping along the westerly property line in lieu of the minimum required 3 ft. wide landscaped planter will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The subject property will share a landscape planter with the property to the west. This condition results in a two foot landscaped vehicle overhang on the subject site and a five-foot wide planter on the adjacent property to the west. When combined together the planter exceeds the minimum code requirement of three feet.
2. Because of special circumstances applicable to the subject property, including size, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The subject site is located on a corner lot currently occupied by an outdated commercial building with one-way drive aisles and parking stalls which back up directly onto Liberty

Avenue. The size and shape of the lot results in a hardship with regard to providing two-way drive aisles and on-site circulation as required by code. In order to accommodate the required number of parking spaces on the subject site the applicant is requesting to provide no landscaping along the westerly property line. However a two foot of landscaped vehicle overhang will be provided in-conjunction with a five foot wide landscaped planter which will be constructed on the abutting property.

3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The subject lot is undersized for a substantial commercial development and only accommodate development with one-way drive aisle and parking stalls which back up directly onto a public street. In order to allow the development of a viable commercial center on the site the subject variance is necessary.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The subject site exceeds the requirement of 8 percent for site landscaping by providing 22 percent landscaping.
5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial General on the subject property because the substantial landscaping is provided on the subject site. In addition, the design of the structure is in compliance with the General Plan objective of siting buildings adjacent to street frontages.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2007-038 AND VARIANCE NO. 2008-004:

1. The site plan, floor plans, and elevations received and dated March 12, 2008, shall be the conceptually approved design with the following modifications:
 - a. Provide a walkway from Beach Blvd. to the building along the north side of the common driveway.
 - b. Use decorative pavement for all hardscape/concrete within the 25 ft. front yard setback.
 - c. Modify the west/rear elevation by providing deeper insets and install faux windows or windows in every other inset.
 - d. Provide a deeper inset along the south elevation and install a faux window or window within the first inset adjacent to the building entrance.
 - e. Decorative pavement for the driveway entrances shall match that used for 17725 Beach Blvd. (Longs Drugs).
 - f. The landscaping treatment shall be consistent with that used for 17725 Beach Blvd. (Longs Drugs).
 - g. The primary building color shall match that used for 17725 Beach Blvd. (Longs Drugs).
 - h. The height of the towers shall be increased to 33'-9".
2. Prior to issuance of grading permits, a Precise Grading Plan shall include the following improvements on the plan shall be completed: (PW)

- a. The proposed driveway approach on Beach Boulevard shall be constructed as ADA compliant per Caltrans Standard Plan No. A87A.
 - b. Indicate the type and location of Water Quality Treatment Control Best Management Practices (BMPs) on the Grading Plan consistent with the Project WQMP. The WQMP shall follow the City of Huntington Beach; Project Water Quality Management Plan Preparation Guidance Manual dated June 2006. The WQMP shall be submitted with the first submittal of the Grading Plan.
3. Prior to submittal for building permits, a planned sign program for all signage shall be submitted to the Planning Department. Said program shall be approved prior to the first sign request.
4. The structure cannot be occupied, the final building permit cannot be approved, utilities cannot be released, and a Certificate of Occupancy cannot be issued until the following has been completed:
 - a. All existing overhead utilities that are within the project, or on the southerly property line adjacent to the subject project, shall be undergrounded. This condition applies to all aerial cables to and from Southern California Edison (SCE) pole no. 4076364E (which serve the structures at 17685, 17701, 17721, 17731 and 17741 Beach Boulevard). Coordinate with SCE to determine the exact length of undergrounding required. The developer for the subject project shall also coordinate sharing the cost of the aforementioned utility undergrounding with adjacent property owners of 17721, 17731 and 17741 Beach Boulevard. **(PW)**
 - b. If the subject project is the first to be constructed in relation to the southerly proposed project at 17225 Beach Boulevard, then the full width (minimum 27-foot width) of the proposed driveway approach to Beach Boulevard and the full width (26-foot) southerly shared drive aisle shall be constructed prior to issuance of final inspection or occupancy. Any necessary easements (for temporary construction, reciprocal access, etc.) for construction of the aforementioned shared drive aisle shall be coordinated with adjacent southerly property owner and copies shall be provided to Planning and Public Works Departments. **(PW)**
 - c. All existing non-conforming sign shall be removed or brought into compliance with the Huntington Beach Zoning and Subdivision Ordinance (HBSZO) signage requirements.
5. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

ITEM 4: CONDITIONAL USE PERMIT NO. 2008-008 (LONGS DRUGS)

APPLICANT:	Jeff Bergsma, Team Design, Inc. 220 Main Street, Suite S, Huntington Beach, CA 92648
PROPERTY OWNER:	John Gunderson, 8592 Whitesails Circle, Huntington Beach, CA, 92648
REQUEST:	To permit (a) the construction of an 8,800 sq. ft. drug store with a drive-through pharmacy and (b) the sale of alcoholic beverages for off-site consumption.
LOCATION:	17725 Beach Blvd., 92647 (northwest corner of Beach Blvd., and Newman Avenue)
PROJECT PLANNER:	Rami Talleh

Rami Talleh, Senior Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary. Mr. Talleh reported that he did not receive any comments in opposition or in support of the project.

Jason Kelley, Zoning Administrator, inquired whether the proposed landscaping meets the minimum requirements of 8% on site landscaping. Mr. Talleh stated that the minimum landscape requirements are provided on site.

THE PUBLIC HEARING WAS OPENED.

Jeff Bergsma, applicant, stated that he has no objections to the conditions of approval.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED

Jason Kelley, Acting Zoning Administrator, indicated that he was going to approve the request with the conditions recommended by staff.

CONDITIONAL USE PERMIT 2008-008 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL.

STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

ITEM 5: CONDITIONAL USE PERMIT NO. 2008-017 (FEIN MEDICAL BUILDING)

APPLICANT: Jeff Bergsma, Team Design, Inc., 221 Main Street, Suite S, Huntington Beach, CA 92648
PROPERTY OWNER: Ernst O'Reilly, P.O. Box 884, La Quinta, CA 92253
REQUEST: To permit the construction of a two story, 6,480 sq. ft. medical office building
LOCATION: 7922 Liberty Avenue, 92647 (south side of Liberty Avenue, west of Beach Blvd.)
PROJECT PLANNER: Rami Talleh

Rami Talleh, Senior Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Mr. Talleh reported that he did not receive any comments in opposition or in support of the project.

Jason Kelley, Zoning Administrator, inquired of staff the number of structures on the site. He also verified with staff that landscaping requirements were being met. Mr. Kelley, asked if wheel stops were going to be used in the parking spots.

Mr. Talleh, stated that all the minimum landscaping and parking requirements were provided on site. He also confirmed that wheel stops were going to be utilized.

THE PUBLIC HEARING WAS OPENED.

Jeff Bergsma, applicant, stated that he has no objections to the conditions of approval.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED

Jason Kelley, Acting Zoning Administrator, indicated that he was going to approve the request with the conditions recommended by staff.

CONDITIONAL USE PERMIT 2008-017 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act

(CEQA) pursuant to section 15303 of the CEQA Guidelines, because the proposed development consists of new construction of a commercial building with less than 10,000 sq. ft. of floor area not involving significant amounts of hazardous materials on a site where public services and facilities are available and the surrounding area is not environmentally sensitive.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-017 :

1. Conditional Use Permit No. 2008-017 for the construction of a two-story, 6,480 sq. ft. medical office building will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The subject property is designated for commercial general development under the General Plan. The proposed project is consistent with the permitted uses and development standards within this designation. The structure will be setback approximately 73 ft. from the abutting residential property to the west and separated from residential properties to the north by a 50 ft. wide local street. The site will be sufficiently parked and will not have any significant impacts on adjacent properties.
2. The conditional use permit will be compatible with surrounding uses. The subject site will be developed concurrently with the abutting commercial properties to the east and south. The three parcels will share a common driveway with access to Beach Boulevard. The subject building will provide a 10 ft. front yard setback and 43 ft. second story setback from Liberty Avenue thereby providing a buffer to residential uses to the north. The medical office building will consist of similar quality exterior finishes as that concurrently constructed with the subject site as well as other commercial developments along Beach Boulevard.
3. The proposed development will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The development complies with the minimum required setbacks and on-site parking and complies with the maximum allowed floor area ratio and building height.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the following goals and policies of the General Plan:

LU10.1.4. Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

LU10.1.12. Require that Commercial uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development including consideration of:

- a. Siting and design of structures to facilitate and encourage pedestrian activity;
- b. Siting of buildings to the street frontage to convey a visual relationship to the street and sidewalks;
- c. Architectural treatment of buildings to minimize visual bulk and mass, using techniques such as the modulation of building volumes and articulation of all elevations.

The proposed development is in substantial compliance with the Urban Design Guidelines. The siting and design of the proposed structure allows for pedestrian connections between

sidewalks and the subject site. The proposed architecture provides a prominent entry and incorporates quality materials in its design.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2008-017:

1. The site plan, floor plans, and elevations received and dated April 10, 2008, shall be the conceptually approved design with the following modifications:
 - a. Provide a trash enclosure.
 - b. Provide a three foot wide landscaped planter abutting the parking stall adjacent to the entrance to the tuck under parking.
 - c. Provide wheel stops at the head of all parking spaces without a landscaped overhang.
 - d. Widen parking stalls by three ft. when adjacent to a wall or structure.
 - e. Enclose the space beneath the exterior staircases.
 - f. Enhance driveway entrances by providing decorative pavement for the first 10 ft. The pavement treatment shall match that used for 17701 and 17725 Beach Blvd. (Liberty Liquor and Longs Drugs).
 - g. Enhance elevations by including similar architectural features provided for 17701 and 17725 Beach Blvd. (Liberty Liquor and Longs Drugs) such as stone veneer along the west elevation of the ground floor unit.
 - h. The landscaping treatment shall be consistent with that used for 17701 and 17725 Beach Blvd. (Liberty Liquor and Longs Drugs).
 - i. The primary building color shall match that used for 17701 and 17725 Beach Blvd. (Liberty Liquor and Longs Drugs).
2. Prior to issuance of grading permits, the following shall be completed:
 - a. A Precise Grading Plan shall include the following improvements on the plan: **(PW)**
 - i. Indicate the type and location of Water Quality Treatment Control Best Management Practices (BMPs) on the Grading Plan consistent with the Project WQMP. The WQMP shall follow the City of Huntington Beach; Project Water Quality Management Plan Preparation Guidance Manual dated June 2006. The WQMP shall be submitted with the first submittal of the Grading Plan.
3. The structure cannot be occupied, the final building permits cannot be approved, and utilities cannot be released until the following has been completed: **(PW)**
 - a. All existing overhead utilities that are within the project, or on the southerly property line of the subject project, shall be undergrounded. This condition applies to all aerial cables to and from Southern California Edison (SCE) pole no. 4666878E (which serve the structures at 7906, 7912 and 7922 Liberty Avenue and at 7911 Newman Avenue). Coordinate with SCE to determine the exact length of undergrounding required. The developer for the subject project shall also coordinate sharing the cost of the aforementioned utility undergrounding with adjacent property owners of 7911 Newman Avenue.

- b. If the subject project is the first to be constructed in relation to the southerly proposed project at 17725 Beach Boulevard, then the full width (26-foot) southerly shared drive aisle shall be constructed prior to issuance of final inspection or occupancy. Any necessary easements (for temporary construction, reciprocal access, etc.) for construction of the aforementioned shared drive aisle shall be coordinated with adjacent southerly property owner and copies shall be provided to Planning and Public Works Departments.
4. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

NON-PUBLIC HEARING ITEMS:

ITEM 6: EXTENSION OF TIME NO. 2008-006 AND TENTATIVE PARCEL MAP NO 2004-105 DUBAR LOT CONSOLIDATION

APPLICANT:	Patrick Dubar, P.O. Box 1267, Sunset Beach, CA 90742
PROPERTY OWNER:	Courtney Dubar, P.O. Box 1267, Sunset Beach, CA 90742
REQUEST:	To extend the tentative parcel map expiration date for the Shire Circle residential lot consolidation for an additional year to April 26, 2009.
LOCATION:	6741 Shire Circle (terminus of Shire Circle, east of Quarterhorse Lane)
PROJECT PLANNER:	Andrew Gonzales

Andrew Gonzales, Assistant Planner, presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Jason Kelley, Zoning Administrator approved the request.

THE MEETING WAS ADJOURNED AT 2:15 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, MAY 28, 2008 AT 1:30 PM.


Jason Kelley
Zoning Administrator

JK:jd